

**UNITED STATES OF AMERICA**

**U.S. DISTRICT COURT**

**CONCORD N.H.**

**UNITED STATES OF AMERICA**

**V**

**JOHNATHON IRISH**

**13-CR-00142-PB-1**

**MOTION TO COMPEL THE GOVERNMENT TO RELEASE PROPERTY**

U.S. DISTRICT COURT  
DISTRICT OF N.H.  
FILED  
2015 APR 24 P 2:27

Now comes Johnathon Irish, Pro Se with a **MOTION TO COMPEL THE GOVERNMENT TO RELEASE PROPERTY** and says that:

1. Mr. Irish was originally charged with Five counts of Indictment, Count One, Aiding and Abetting the Making of a Material False Statement in Connection to Acquisition of a Firearm, Counts Two and Three, Making a Material False Statement To a Federal Agent, Count Four, Engaging In The Business Of Dealing Firearms Without a Federal Firearms License, and Count Five, Being a Prohibited Person In Possession Of Firearms For Being a Habitual Marijuana User. Counts Three, Four and Five were dismissed by the United States Attorney's Office in October of 2014, and when Mr. Irish was scheduled for Trial on 11 December 2014, on that morning he instead signed a plea agreement pleading to Counts One And Two with a sentence of 18 Months and Three Years of Supervised Release. Mr. Irish was subsequently sentenced to 18 months on 19 February 2015 and was released on time served the following day, 20 February 2015 on Three Years of Supervised release.

2. The above mentioned case was brought to a conviction and sentencing on 19 February 2015, while although Mr. Irish still has his right to limited appeal the case is technically over therefore the Government has no just reason to retain the properties, specifically firearms belonging to Mr. Irish and his wife.
3. The Government is currently in possession of a large multitude of properties owned by Mr. AND Mrs. Irish, the government has made contact with Mr. Irish through his Supervising Officer Tim Brown of the Federal Probation Office to return all properties to Mr. and Mrs. Irish EXCEPT the three firearms and a large quantity of ammunition for the firearms which they are in the possession of owned by Mr. Irish and his wife do to Mr. Irish currently being prohibited from possessing firearms do to the above mentioned conviction, specifically one Sig Sauer 5.56 caliber Sig 516 AR-15 type rifle bearing serial number 53E001626 belonging to Mr. Irish, one Sig Sauer .45 caliber C3 1911 type pistol bearing serial number GS34120 belonging to Mr. Irish, and one Sig Sauer .40 caliber 226 pistol bearing serial number UU610922 belonging to Mrs. Irish.
4. The above mentioned firearms and ammunition were relinquished to Agent Phil Christiana by the Brentwood Police Department in December 2013 while being held BY the Brentwood Police Department as evidence in a local matter being prosecuted by the Brentwood Police Department which was subsequently dismissed in February of 2014 to do the fact that no crime had been committed, Mr. and Mrs. Irish's property were relinquished to Agent Christiana BEFORE the local matter had been resolved by dismissal.

5. When Mrs. Irish went to the Brentwood Police Department AFTER the local case had been dismissed to reclaim her Sig Sauer .40 226 pistol bearing serial number UU610922, she was informed that Agent Phil Christiana had picked up the firearms, ammunition, body armor and tactical equipment owned by Her and Mr. Irish several months earlier. Mrs. Irish and Mr. Irish's Mother Mrs. Nancy Haskell subsequently filed motions with the Rockingham Superior Court in Brentwood New Hampshire to compel the return of all of Mr. and Mrs. Irish's properties, including the above mentioned firearms to Mrs. Irish and Mr. Irish's Mother Mrs. Haskell. Subsequently Judge McHugh so ordered a hearing in this matter in which the United States Attorney John P. Kacavas AND Assistant United States Attorney Nick Abramson AND Agent Phil Christiana were requested to be at and ALL of whom failed to show at said hearing. As a result of the above mentioned hearing, the Rockingham County Attorney in the matter was upset that the properties had been relinquished to Agent Christiana SEVERAL months BEFORE the local matter had been resolved and the presiding Judge, Judge McHugh so ordered that Mrs. Irish's Sig Sauer .40 caliber pistol bearing serial number UU610922 be returned to her immediately especially where as there was absolutely no documentation stating that Agent Christiana had taken possession of Mrs. Irish's weapon, even though Agent Christiana AND Assistant United States Attorney Nick Abramson many times had spoken to Mrs. Irish and informed her that her pistol was in there possession. Mrs. Irish is currently in possession of the above mentioned order made by Judge McHugh of the Rockingham Superior Court.

6. The United States Attorney's Office has already previously stated to Mr. Irish's former defense counsel Attorney Vogelmann that they had no issue with Mr. Irish's firearms, ammunition, tactical gear and body armor being released to his friend or a family member. Attorney Vogelmann wrote Mr. Irish a letter clearly stating this, Mr. Irish has this letter in his possession.
7. In Mid-2014, while Mr. Irish was preparing for trial Mr. Irish spoke with Mr. Anthony Costello, Mr. Irish's friend and Mr. Costello informed Mr. Irish that Agent Phil Christiana had made contact with him and stated that he, Mr. Costello could take possession of Mr. Irish's firearms so long as Mr. Irish agreed and signed documents stating such. Mr. Costello is willing to testify to this. Mr. Costello is an Army Veteran who served in Afghanistan and has Post-Traumatic Stress Disorder however is on medication and is under doctors care and has NEVER had any sort of episode that would raise concern for ability to own firearms, Agent Phil Christiana knew all of this at the time he had the above mentioned conversation with Mr. Costello. However, Agent Phil Christiana somehow acquired Mr. Costello's medical records to confirm Mr. Costello's Post-Traumatic Stress Disorder WITHOUT a release signed by Mr. Costello OR a court order for such, illegally obtaining the above mentioned medical records in clear violation of the Healthcare Information Protection Act (H.I.P.A.) law
8. In the late weeks of March 2015 after Mr. Irish was convicted, sentenced and released Mr. Irish's Supervising Officer Tim Brown from the Federal Probation Office met with Mr. Costello and spoke with him regarding Mr. Costello taking possession of Mr. Irish's firearms, the Sig Sauer 5.56 caliber 516 AR-15 type rifle bearing serial

number 53E001626, Mr. Irish's Sig Sauer C3 .45 caliber 1911 bearing serial number GS34120, Mrs. Irish's Sig Sauer .40 caliber 226 pistol bearing serial number UU610922 as well as ALL of the firearms parts/components, magazines, ammunition, body armor and tactical gear belonging to Mr. Irish.

9. On Tuesday, 7 April 2015 Mr. Irish received a telephone call from his Supervising Officer Tim Brown informing him that the prior Friday, 4 April 2015 he, Officer Tim Brown had met and spoke with Agent Phil Christiana of the FBI and that Agent Phil Christiana has now changed his position of Mr. Costello taking possession of Mr. Irish's firearms do to Mr. Costello's Post-Traumatic Stress Disorder from serving our country as an Army Veteran, due to Mr. Costello's medical documents for his Post-Traumatic Stress Disorder, the medical documents in which were above mentioned and illegally obtained by Agent Phil Christiana WITHOUT a release signed by Mr. Costello OR a court order.
10. Mr. Irish has made other arraignments for other persons who have a spotless record as well as NO history of mental health to take possession of Mr. Irish's above mentioned firearms and ammunition, however there is still the issue of Mrs. Irish's Sig Sauer .40 226 pistol that Mr. Irish CAN NOT make a decision or say of way of disposition, this is a matter in which MRS. Irish MUST be involved in. The persons whom have stepped up to take possession of MR. Irish's firearms and ammunition are Roscoe Whitney, a long-time family friend, adoptive grandfather and Korean War Veteran of the United States Marine Corps, OR Mrs. Nancy Haskell Mr. Irish's Mother, however after Mr. Irish's Supervising Officer Tim Brown spoke to Agent Phil

Christiana regarding this and Agent Phil Christiana stated that "We will fight tooth and nail against Mr. Irish's firearms going to anybody other than a Federal Licensed Firearms Dealer (F.F.L.) to be sold".

11. The Government is CLEARLY simply only creating undue and un needed issues for Mr. and Mrs. Irish, refusing to release the firearms to anyone OTHER than a Federally Licensed Firearms Dealer (F.F.L.) attempting to force Mr. and Mrs. Irish to sell the firearms for MUCH less than they are valued at, and where as the Government has NO legal right or obligation to do so whereas NONE of these firearms or ammunition were used in the commission of a crime. These firearms owned by Mr. and Mrs. Irish were not used in commission of a crime, and therefore the Government has no need, right or obligation to maintain possession of them, NOR do they have the right or obligation to dictate and attempt to force Mr. and Mrs. Irish to sell the firearms nor does the Government have the need, ability or right to dictate to Mrs. Irish what shall happen to HER firearm, the Sig Sauer .40 caliber 226 pistol whereas she was NEVER charged with anything, nor does Mrs. Irish have any sort disqualifying prohibitions nor does she have any sort of a record.

12. While Mrs. Irish's pistol only holds average value of approximately \$700 dollars, Mr. Irish's rifle is easily worth \$4,200 dollars, and his pistol \$2,200 dollars due to all of the customizations, parts and work that has been put into them and the Government knows that Mr. Irish would get less than this selling them as "used" weapons at a Federal Firearms Dealer (F.F.L.), which again there is no need to do

and the Government has absolutely NO legal right or obligation to do whereas NONE of these firearms ammunition body armor or tactical gear were used in the commission of a crime.

13. Mr. Irish would also like to take this time to express the fact to the court that he will be filing appeal in this matter, specifically 2255 and this MAY have a drastic effect of Mr. Irish's bar of ownership of firearms IF that appeal is favorable to Mr. Irish he would like for at least some of his firearms to be available for return to HIM directly should his appeal be favorable and if Mr. Irish were to sell his firearms on consignment to a Federal Firearms Dealer then not only will Mr. Irish loose several THOUSAND dollars he will never have the ability to reclaim his firearms should the appeal be favorable. Regardless, even without considering Mr. Irish's 225 appeal, the Government has NO legal right or obligation to hold the firearms and ammunition NOR do they have and legal right or obligation to force Mr. or especially Mrs. Irish to sell there firearms, there is no legitimate reason in which a friend, or family member could not take possession of the firearms.

14. In the interest of Justice, Mr. Irish respectfully requests that:

- 1) This Court grant this motion and order The Government to release ALL firearms, ammunition, magazines, body armor and tactical gear in their possession belonging to Mr. AND/OR Mrs. Irish to either Mr. Roscoe Whitney, Mrs. Nancy Haskell OR Mr. Anthony Costello, specifically one Sig Sauer 5.56 caliber Sig 516 AR-15 type rifle bearing serial number 53E001626 belonging to Mr. Irish, one Sig Sauer .45 caliber C3 1911 type pistol bearing serial number GS34120 belonging


to Mr. Irish, and one Sig Sauer .40 caliber 226 pistol bearing serial number UU610922 belonging to Mrs. Irish. As well as ALL magazines, ammunition, body armor and tactical gear. OR;

- 2) That this Court schedule a hearing in this matter in a timely manner as to give ALL parties involved the ability to make arrangements to attend.

Respectfully Submitted,

Johnathon S. Irish

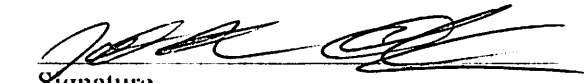
Pro-Se

A large, stylized handwritten signature in black ink, likely belonging to Johnathon S. Irish, written over a light blue horizontal line.

24   
~~24~~ April, 2015



Date: 29 April, 2015

  
Signature

#### MEMORANDUM OF LAW

Pursuant to LR 7.1(a)(2), every motion shall be accompanied by a memorandum with citations to supporting authorities or a statement explaining why a memorandum is unnecessary.

- ☐ I have attached a supporting memorandum of law to this motion.
- ☒ I have NOT attached a memorandum of law because none is required (explain your reasoning below). *Do not know memorandum*

#### CONCURRENCES SOUGHT

Pursuant to LR 7.1(c), any party filing a motion other than a dispositive motion (a dispositive motion seeks an order disposing of one or more claims in favor of the moving party, for example, a motion to dismiss or a motion for summary judgment) shall certify to the court that a good faith attempt has been made to obtain concurrence/agreement in the relief sought. If concurrence is obtained, the moving party shall so note.

I certify the following (choose one):

- ☐ All parties have assented/agreed to this motion.
- ☒ I made a good faith attempt, but was unable to successfully obtain concurrence/agreement from all parties.
- ☐ I have NOT attempted to obtain concurrence/agreement because it is not required.



CERTIFICATE OF SERVICE

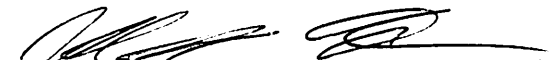
I hereby certify that this motion was served on the following persons on the date and in the manner specified below:

Person(s) served electronically (via ECF):

Person(s) served by mail. Please include address(es): Mick Abramson U.S.A. Office  
53 Pleasant St. Concord N.H. 03301

Person(s) served by hand:

Date of Service: 24 April, 2015

  
Signature

Johnathon S. Irish  
Name

311 Lyndebero Rd.  
Address New Boston N.H. 03070

(603) 487-1132  
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Johnathon.Irish1776@gmail.com  
Email

